

§152. District Court; civil jurisdiction

The District Court has jurisdiction in the following civil matters: [PL 1999, c. 731, Pt. ZZZ, §4 (AMD); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

1. Jurisdiction exercised by trial justices and municipal courts. The civil jurisdiction exercised by all trial justices and municipal courts in the State on September 16, 1961; [PL 1983, c. 796, §1 (RPR).]

2. Civil actions for money damages. Original jurisdiction, concurrent with that of the Superior Court, of all civil actions when no equitable relief is demanded, except those actions for which exclusive jurisdiction is vested in the Superior Court by statute; [PL 1999, c. 731, Pt. ZZZ, §4 (AMD); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

3. Civil actions to enforce liens. Original jurisdiction, concurrent with the Superior Court, of all civil actions to enforce liens under Title 10, chapter 603 and under Title 35-A, section 706, and the court shall determine the amount pursuant to Title 10, section 3258; [PL 1999, c. 731, Pt. ZZZ, §4 (AMD); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

4. Exclusive jurisdiction. Original jurisdiction, not concurrent with that of the Superior Court, of mental health commitment hearings under Title 34-B, chapter 3, subchapter 4, habitual truancy actions under Title 20-A, chapters 119 and 211 under which equitable relief may be granted and small claims actions under Title 14, chapter 738; [PL 2013, c. 21, §1 (RPR).]

5. Other actions. Original jurisdiction, concurrent with that of the Superior Court, of the following types of actions, and in these actions the District Court may grant equitable relief:

- A. [PL 1999, c. 731, Pt. ZZZ, §4 (RP); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]
- B. Actions to quiet title to real estate under Title 14, sections 6651 to 6658; [PL 1983, c. 796, §1 (RPR).]
- C. Actions to quiet title to real estate under Title 36, section 946; [PL 1983, c. 796, §1 (RPR).]
- D. Actions for breach of implied warranty and covenant of habitability under Title 14, section 6021; [PL 1983, c. 796, §1 (RPR).]
- E. Actions to foreclose mortgages under Title 14, chapter 713, subchapter VI; [PL 1985, c. 293, §1 (AMD).]
- F. Actions for restitution under Title 5, section 213; [PL 1989, c. 392, §1 (AMD).]
- G. Actions for illegal evictions under Title 14, section 6014; [PL 1989, c. 392, §1 (AMD).]
- H. Actions for the foreclosure of mortgages of real and personal property and for redemption of estates mortgaged; [PL 1989, c. 392, §1 (NEW).]
- I. Actions to compel the specific performance of written contracts and to cancel and compel the discharge of written contracts, whether under seal or otherwise, when full performance or payment has been made to the contracting party; [PL 1989, c. 392, §1 (NEW).]
- J. Actions for relief in cases of fraud, duress, unjust enrichment, trust, accident or mistake; [PL 1989, c. 392, §1 (NEW).]
- K. Actions concerning nuisance and waste; [PL 1989, c. 392, §1 (NEW).]
- L. Actions concerning partnership, and between partners or part owners of vessels and of other real and personal property to adjust all matters of the partnership and between the part owners, compel contribution, make final decrees and enforce their decrees by proper process in cases where

all interested persons within the jurisdiction of the court are made parties; [PL 1989, c. 392, §1 (NEW).]

M. [PL 1999, c. 731, Pt. ZZZ, §4 (RP); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

N. Civil actions for redelivery of goods or chattels taken or detained from the owner and secreted or withheld so that the goods or chattels cannot be replevied, and in civil actions by creditors to reach and apply in payment of a debt any property, right, title or interest, legal or equitable, of a debtor or debtors, which cannot be attached on writ or taken on execution in a civil action, and any property or interest conveyed in fraud of creditors; [PL 1989, c. 392, §1 (NEW).]

O. Actions in which the pleading demands a judgment:

(1) To exclude a person from a vested or contingent interest in or lien upon specific property within the State;

(2) That a vested or contingent interest in or lien upon specific property within the State be enforced;

(2-A) That real property be partitioned by sale; or

(3) Otherwise affecting title to any real property; [PL 1999, c. 547, Pt. A, §1 (AMD).]

P. Actions to compel the compliance with court orders including the right to appoint persons to sign instruments as provided for in the Maine Rules of Civil Procedure; [PL 1989, c. 392, §1 (NEW); PL 1989, c. 919, §§1, 18 (AMD).]

Q. Actions in which the equitable relief is sought through an equitable defense, a counterclaim, a cross-claim or other responsive pleading or reply permitted by the Maine Rules of Civil Procedure; [PL 2011, c. 80, §1 (AMD).]

R. Actions to enforce access to health care under Title 22, section 1715; and [PL 2011, c. 80, §2 (AMD).]

S. Actions under the Uniform Arbitration Act, Title 14, chapter 706. [PL 2011, c. 80, §3 (NEW).]

Nothing in this subsection may be construed to affect the right of any party to remove an action to the Superior Court in accordance with the Maine Rules of Civil Procedure; [PL 2011, c. 80, §§1-3 (AMD).]

5-A. Actions involving minors under Title 18-C. Except as provided in paragraph C, exclusive, continuing jurisdiction of actions for guardianship, adoption, change of name or other matters involving custody or other parental rights with respect to a minor child brought under Title 18-C under the following circumstances: if proceedings under the Maine Juvenile Code brought against the minor child are pending in the District Court; if proceedings involving custody or other parental rights with respect to the minor child, including but not limited to adoption, divorce, parental rights and responsibilities, grandparents' rights, protective custody, change of name, guardianship, parentage or termination of parental rights, are pending in the District Court; or if the minor child is or was the subject of an order issued by the District Court terminating parental rights, appointing a guardian, including a permanency, emergency or interim guardian, awarding parental rights to a 3rd party or granting an adoption. This subsection does not apply if the only proceedings pending in the District Court involving custody or other parental rights with respect to the minor child are protection from abuse or protection from harassment proceedings unless one of the other grounds for exclusive, continuing jurisdiction are met under this subsection. For purposes of this subsection, a proceeding is pending if a complaint, petition or post-judgment motion has been filed and the final judgment or final order on that complaint, petition or post-judgment motion has not yet been issued.

A. The District Court presiding over any matter involving custody or other parental rights with respect to a minor child shall require all parties to disclose whether they have knowledge of:

- (1) Any interim or final order then in effect concerning custody or other parental rights with respect to the minor child;
- (2) Any proceeding under the Maine Juvenile Code brought against the minor child pending in the District Court or any proceeding involving custody or other parental rights with respect to the minor child pending before any court of this State or another state, including before a probate court in this State; or
- (3) Any other related action pending before any court of this State or another state, including before a probate court in this State. [PL 2023, c. 63, §1 (AMD).]

B. Except as provided in paragraph C, if the District Court presiding over any matter under the Maine Juvenile Code brought against a minor child and any matter involving custody or other parental rights with respect to a minor child becomes aware that a proceeding for guardianship, adoption or change of name or another matter involving custody or other parental rights with respect to the minor child under Title 18-C is pending in a probate court in this State, the District Court shall notify the Probate Court and take appropriate action to facilitate a transfer of the matter from the Probate Court. If a matter is transferred to the District Court under this paragraph, the District Court has continuing, exclusive jurisdiction over the matter and over any future proceedings for guardianship, adoption or change of name or other matter involving custody or other parental rights with respect to the minor child brought under Title 18-C, except to the extent that the District Court's jurisdiction is precluded by the Uniform Child Custody Jurisdiction and Enforcement Act. [PL 2023, c. 63, §1 (AMD).]

C. Notwithstanding any provision of law to the contrary, a probate court shall retain jurisdiction over an action for guardianship, adoption, change of name or other matter involving custody or other parental rights with respect to a minor child brought under Title 18-C that would otherwise be within the exclusive, continuing jurisdiction of the District Court under this subsection and may not transfer that matter to the District Court under paragraph B if:

- (1) At the time the proceeding under the Maine Juvenile Code or the proceeding involving custody or other parental rights with respect to the minor child that would otherwise trigger the District Court's continuing, exclusive jurisdiction is initiated, the testimonial hearing on the Title 18-C matter has concluded and the Probate Court has that matter under advisement; and
- (2) The Probate Court has not determined that the District Court is the more appropriate forum for the Title 18-C proceeding; [PL 2023, c. 63, §1 (NEW).]

[PL 2023, c. 63, §1 (AMD).]

6. Environmental laws.

[PL 1989, c. 878, Pt. A, §6 (RP); PL 1993, c. 349, §3 (AMD).]

6-A. Environmental laws. Original jurisdiction, concurrent with that of the Superior Court, to grant equitable relief and impose penalties in proceedings involving alleged violations of a local environmental ordinance or regulation or a state environmental law or rule, including, but not limited to, the following:

- A. The laws pertaining to the Maine Land Use Planning Commission, Title 12, chapter 206-A; [PL 1989, c. 878, Pt. A, §7 (NEW); PL 2011, c. 682, §38 (REV).]
- B. The minimum lot size law, Title 12, sections 4807 to 4807-G; [PL 1989, c. 878, Pt. A, §7 (NEW).]
- C. Shoreland zoning ordinances enacted under Title 30-A, section 3001, and in accordance with Title 38, sections 435 to 446; [PL 2011, c. 120, §1 (AMD).]

- D. The plumbing and subsurface waste water disposal rules adopted by the Department of Health and Human Services under Title 22, section 42; [PL 1989, c. 878, Pt. A, §7 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]
- E. Laws pertaining to public water supplies, Title 22, chapter 601, subchapter IV; [PL 1999, c. 731, Pt. ZZZ, §4 (AMD); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]
- F. Local ordinances enacted under Title 22, section 2642, and in accordance with Title 30-A, section 3001; [PL 1989, c. 878, Pt. A, §7 (NEW).]
- G. Local land use ordinances enacted under Title 30-A, section 3001; [PL 1989, c. 878, Pt. A, §7 (NEW).]
- H. Local building codes adopted pursuant to Title 30-A, section 3001, and in accordance with Title 30-A, chapter 185, subchapter I; [PL 1989, c. 878, Pt. A, §7 (NEW).]
- I. Automobile junkyards, Title 30-A, chapter 183, subchapter I; [PL 1989, c. 878, Pt. A, §7 (NEW).]
- J. Regulation and inspection of plumbing, Title 30-A, chapter 185, subchapter III; [PL 1989, c. 878, Pt. A, §7 (NEW).]
- K. Malfunctioning domestic waste water disposal units, Title 30-A, section 3428; [PL 1989, c. 878, Pt. A, §7 (NEW).]
- L. The subdivision law, Title 30-A, chapter 187, subchapter IV; local subdivision ordinances enacted under Title 30-A, section 3001; and subdivision regulations adopted under Title 30-A, section 4403; [PL 1989, c. 878, Pt. A, §7 (NEW).]
- M. Local zoning ordinances enacted under Title 30-A, section 3001, and in accordance with Title 30-A, section 4352; [PL 1989, c. 878, Pt. A, §7 (NEW).]
- N. All laws administered by the Department of Environmental Protection, Title 38, chapters 2 to 16; [PL 1989, c. 878, Pt. A, §7 (NEW).]
- O. Local ordinances regarding air pollution control enacted pursuant to Title 38, section 597; [PL 2005, c. 240, §1 (AMD).]
- P. The laws pertaining to harbors in Title 38, chapter 1, subchapter 1; local harbor ordinances adopted in accordance with Title 38, section 7 and regulations adopted by municipal officers pursuant to Title 38, section 2; and [PL 2005, c. 240, §2 (AMD).]
- Q. Local ordinances and ordinance provisions regarding storm water, including, but not limited to, ordinances and ordinance provisions regulating nonstorm water discharges, construction site runoff and postconstruction storm water management, enacted as required by the federal Clean Water Act and federal regulations and by state permits and rules; [PL 2005, c. 240, §3 (NEW).]
[PL 2011, c. 120, §1 (AMD); PL 2011, c. 682, §38 (REV).]

7. Air quality laws.

[PL 1989, c. 311, §2 (RP).]

8. Consent to minor's abortion. Original jurisdiction, concurrent with that of the Probate Court, to grant equitable relief in proceedings brought under Title 22, section 1597-A; [PL 1999, c. 547, Pt. B, §5 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

9. Licensing jurisdiction. Except as provided in Title 5, section 10004; Title 8, section 279-B; Title 10, section 8003; Title 20-A, sections 10712 and 10713; Title 29-A; Title 32, chapters 2-B, 114 and 135; and Title 35-A, section 3132, exclusive jurisdiction upon complaint of an agency or, if the licensing agency fails or refuses to act within a reasonable time, upon complaint of the Attorney General to revoke or suspend licenses issued by the agency. The District Court has original jurisdiction upon

complaint of a licensing agency to determine whether renewal or reissuance of a license of that agency may be refused. The District Court has original concurrent jurisdiction to grant equitable relief in proceedings initiated by an agency or the Department of the Attorney General alleging any violation of a license or licensing laws or rules.

Notwithstanding any other provisions of law, a licensing agency may not reinstate or otherwise affect a license suspended, revoked or modified by the District Court pursuant to a complaint filed by the Attorney General without the approval of the Attorney General;
[PL 2009, c. 112, Pt. B, §1 (AMD).]

10. Appellate jurisdiction.

[PL 2009, c. 112, Pt. B, §2 (RP).]

11. Actions for divorce, separation or annulment. Original jurisdiction, not concurrent with the Superior Court, of actions for divorce, annulment of marriage or judicial separation and proceedings under Title 19-A, except as otherwise specifically provided.

Actions for divorce, annulment or separation pending in the Superior Court may be transferred, upon agreement of the parties, from the Superior Court to the District Court in accordance with rules adopted by the Supreme Judicial Court. An action so transferred remains in the District Court, which has exclusive jurisdiction thereafter, subject to the rights of appeal to the Law Court as to matters of law;
[PL 1999, c. 731, Pt. ZZZ, §4 (NEW); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

12. Property matters between spouses. Original jurisdiction, not concurrent with the Superior Court, of actions to hear and determine property matters between spouses as provided in Title 19-A, section 806 and to make all necessary orders and decrees relating to these matters, to issue all necessary process to enforce the orders and decrees and to cause all the orders and decrees to be enforced. This subsection does not apply to or affect actions initiated in the Superior Court before the effective date of this subsection;

[PL 1999, c. 731, Pt. ZZZ, §4 (NEW); PL 1999, c. 731, Pt. ZZZ, §42 (AFF).]

13. Desertion and nonsupport. Jurisdiction over complaints for desertion and nonsupport or nonsupport of dependents in the district where either the spouse, the dependent or the respondent resides;

[PL 2007, c. 670, §1 (AMD).]

14. Civil violations. Jurisdiction over all civil violations, as provided in Title 17-A, section 9, and traffic infractions;

[PL 2019, c. 366, §1 (AMD).]

15. Restoration of right to possess firearms. Exclusive jurisdiction to conduct de novo review of a determination by the Commissioner of Public Safety pursuant to Title 15, section 393, subsection 4-A; and

[PL 2019, c. 366, §2 (AMD).]

16. At-risk noncitizen petitions. Jurisdiction over petitions regarding the protection, well-being, care and custody of unmarried noncitizens 18 years of age or older and under 21 years of age pursuant to Title 22, chapter 1071, subchapter 17.

[PL 2019, c. 366, §3 (NEW).]

SECTION HISTORY

PL 1965, c. 236 (AMD). PL 1969, c. 587 (AMD). PL 1971, c. 38 (AMD). PL 1971, c. 117, §1 (AMD). PL 1971, c. 175 (AMD). PL 1971, c. 544, §6 (AMD). PL 1975, c. 54, §1 (AMD). PL 1975, c. 430, §§2,3 (AMD). PL 1975, c. 552, §1 (AMD). PL 1975, c. 770, §11 (AMD). PL 1977, c. 401, §1 (AMD). PL 1979, c. 127, §11 (AMD). PL 1979, c. 540, §§4,5 (AMD). PL 1979, c. 663, §7 (AMD). PL 1979, c. 700, §1 (AMD). PL 1981, c. 470, §A4 (AMD). PL 1981, c. 585, §1

(AMD). PL 1981, c. 645, §1 (AMD). PL 1983, c. 29, §1 (AMD). PL 1983, c. 275 (AMD). PL 1983, c. 447, §1 (RPR). PL 1983, c. 583, §1 (AMD). PL 1983, c. 796, §1 (RPR). PL 1985, c. 162, §1 (AMD). PL 1985, c. 293, §§1,2 (AMD). PL 1985, c. 563, §1 (AMD). PL 1985, c. 746, §2 (AMD). PL 1987, c. 192, §1 (AMD). PL 1987, c. 419, §1 (AMD). PL 1987, c. 737, §§C2,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C1,C8,C10 (AMD). PL 1989, c. 287, §§1,2 (AMD). PL 1989, c. 311, §§1,2 (AMD). PL 1989, c. 392, §§1,2 (AMD). PL 1989, c. 415, §1 (AMD). PL 1989, c. 573, §1 (AMD). PL 1989, c. 878, §§A6,7 (AMD). PL 1989, c. 919, §§1,2,18 (AMD). PL 1991, c. 377, §1 (AMD). PL 1993, c. 349, §3 (AMD). PL 1995, c. 65, §A2 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 694, §§D2,3 (AMD). PL 1995, c. 694, §E2 (AFF). PL 1999, c. 547, §§A1,B5,6 (AMD). PL 1999, c. 547, §B80 (AFF). PL 1999, c. 731, §ZZZ4 (AMD). PL 1999, c. 731, §ZZZ42 (AFF). PL 1999, c. 778, §1 (AMD). RR 2001, c. 2, §A2 (COR). PL 2001, c. 229, §1 (AMD). PL 2001, c. 471, §A1 (AMD). PL 2001, c. 471, §A2 (AFF). PL 2003, c. 689, §B6 (REV). PL 2005, c. 65, §C1 (AMD). PL 2005, c. 240, §§1-3 (AMD). PL 2007, c. 670, §§1-3 (AMD). PL 2009, c. 112, Pt. B, §§1, 2 (AMD). PL 2011, c. 80, §§1-3 (AMD). PL 2011, c. 120, §1 (AMD). PL 2011, c. 542, Pt. A, §1 (AMD). PL 2011, c. 614, §1 (AMD). PL 2011, c. 682, §38 (REV). PL 2013, c. 21, §1 (AMD). PL 2015, c. 460, §1 (AMD). PL 2017, c. 402, Pt. C, §3 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 366, §§1-3 (AMD). PL 2019, c. 417, Pt. B, §14 (AFF). PL 2023, c. 63, §1 (AMD).

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